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5 UNITED STATES DISTRICT COURT  
6 NORTHERN DISTRICT OF CALIFORNIA  
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8 PARK VILLAGE APARTMENT  
9 TENANTS ASSOCIATION, et al.,

10 Plaintiffs,

No. C-09-4780- EDL

11 v.

**ORDER FOR JOINT STATUS REPORT**

12 MORTIMER HOWARD TRUST, et al.

13 Defendants.  
14 \_\_\_\_\_/

15 On February 1, 2010, Judge Armstrong granted a preliminary injunction prohibiting  
16 Defendants from evicting Plaintiffs and ordered them to “take all steps necessary to enter into and  
17 execute housing assistance payment contracts with the Oakland Housing Authority for the  
18 acceptance of tenant based vouchers.” See Dkt. # 48 at 6. Thereafter Defendants appealed the  
19 preliminary injunction ruling, and the parties stipulated to have the remainder of this case heard by  
20 this Court. Defendants then filed a motion to stay the portion of the injunction requiring them to  
21 execute housing assistance payment (“HAP”) contracts pending their appeal of the injunction order,  
22 and this Court denied the motion to stay the injunction and ordered a timeline for compliance with  
23 the injunction order. Dkt. #70. The Order contemplated the possibility that the Ninth Circuit would  
24 reject this portion of the injunction, and ordered that Defendants’ execution of the contracts would  
25 not constitute a waiver of the right to contest the requirement that it enter into the contracts, and that  
26 “such contracts, documents and steps shall be without further effect if so specified by an appellate  
27 court or by this Court on final judgment.” Dkt. #70 at 2.

28 Defendants’ appeal to the Ninth Circuit of the preliminary injunction order proceeded, and  
on February 25, 2011 the Ninth Circuit affirmed in part, vacated in part and remanded the matter to

1 this Court for further proceedings consistent with its opinion that the district court abused its  
2 discretion by issuing a mandatory injunction requiring Defendants to enter into contracts with the  
3 local housing authority. The mandate took effect on April 19, 2011. The parties are hereby ordered  
4 to file a Joint Status Report by no later than May 4, 2011 setting forth their respective positions on  
5 how the case should proceed in light of the Ninth Circuit's mandate.

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8 **IT IS SO ORDERED.**

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10 Dated: April 20, 2011

*Elizabeth D. Laporte*

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ELIZABETH D. LAPORTE  
United States Magistrate Judge